

**The Oregon Administrative Rules contain OARs filed through May 15,
2006**

PARKS AND RECREATION DEPARTMENT

DIVISION 4

DISTRIBUTION OF ALL-TERRAIN VEHICLE FUNDS TO PUBLIC AND PRIVATELY OWNED LAND MANAGERS, ATV CLUBS AND ORGANIZATIONS

736-004-0005

Purpose of Rule

This rule establishes the procedures and requirements used by the Oregon Parks and Recreation Department Director when allocating ATV grant monies to public and privately owned land managers, ATV clubs and organizations.

Stat. Auth.: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Stats. Implemented: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00

736-004-0010

Statutory Authority and Procedure

Section 9 of the 1999 Act SB 1216 requires the Director of the Oregon Parks and Recreation Department may adopt rules and establish the procedures the Department will use when money is allocated to public and privately owned land managers, ATV clubs and organizations.

Stat. Auth.: ORS 390.180, SB 1216 & Ch. 977, OL 1999
Stats. Implemented: ORS 390.180, SB 1216 & Ch. 977, OL 1999
Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00

736-004-0015

Definitions

For purposes of OAR 736-004-0005 through 736-004-0030, the following definitions shall apply:

- (1) "Acquisition" -- Gaining of property rights for public use by donation or purchase, including but not limited to, fee title or easements.
- (2) "ATV" -- All-terrain vehicles.
- (3) "ATV-AAC" -- All-Terrain Vehicle Account Allocation Committee appointed to advise OPRD on the allocation of ATV funds.
- (4) "Certify" -- To confirm formally as being complete and accurate as it relates to the scope of work described in the contract.
- (5) "Department" -- Oregon Parks and Recreation Department (OPRD).
- (6) "Development" -- Planning, design, physical construction and improvement of all -- terrain vehicle recreation areas (design may include trail location and design, engineering site survey, and design for facilities).
- (7) "Director" -- Director of the Oregon Parks and Recreation Department.
- (8) "Maintenance" -- Preservation, rehabilitation, restoration, and upkeep of the facilities and equipment, including the purchase of equipment necessary to perform these functions.
- (9) "Education and Safety Training" -- Brochures and publications on ATV facilities, their use, operator safety training for proper use and announcement of current laws and regulations.
- (10) "First Aid and Police Services" -- Services and supplies provided by public agencies and/or districts for the purpose of providing medical attention and law enforcement including the purchase of equipment necessary to perform these functions.
- (11) "Project Authorization" -- Agreement which authorizes the project as signed by the Department and the project sponsor.

(12) "Project Sponsor" -- The recipient of the grant funds and the responsible party for implementation of the project.

Stat. Auth.: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Stats. Implemented: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00

736-004-0020

Apportionment of Monies

Monies in the All-Terrain Vehicle Account shall be used for the following purposes:

(1) Planning, promotion and implementation of a statewide ATV program including, but not limited to, acquisition, development and maintenance of ATV recreation areas;

(2) Education and safety training for ATV trainers and operators;

(3) Provision of first aid and police services in ATV designated use recreation areas;

(4) Costs of instigating, developing and promoting new programs for ATV users and advising the public of areas available for all-terrain vehicle use;

(5) Costs of coordinating between all-terrain vehicle user groups and the managers of public and private lands;

(6) Cost of providing consultation and guidance to all-terrain vehicle user programs; and

(7) Costs of administration of the all-terrain vehicle programs, including staff support provided under Section 5 of this Act of 1999 as requested by the All-Terrain Vehicle Account Allocation Committee.

The biennial budget for the program will be submitted each biennium for review and comment by the ATV-AAC. No funds will be expended without ATV-AAC and Oregon Parks and Recreation Department approval.

Stat. Auth.: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Stats. Implemented: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00

736-004-0025

Application Eligibility and Requirements

(1) Eligibility for funding assistance:

(a) Public agencies: Federal land managers, State agencies, and local governments that have the responsibility, or are capable of, providing a service to ATV users.

(b) Private land managers: Private land owners who can present the opportunity for ATV use and maintain the opportunity for a prescribed period of time. Opportunities would be available for funding based upon 10-year commitment to the ATV program, is available for public use, and the land owner shows that money obtained from the ATV program goes directly into development and maintenance, education and safety, first aid, and police services of the program.

(c) Clubs and organizations: ATV clubs and organizations that are registered with the State of Oregon.

(2) Matching fund requirements:

(a) The ATV Grant Program provides up to 80% funding assistance. The eligible sponsor match of 20% or greater may include cash funds, services and supplies such as labor, equipment, or materials provided by applicant, volunteer labor, donated funds, the value of private donated property, equipment, materials, labor or any combination thereof. The use of matching funds from grants that reciprocate approval will not be allowed if those funds are not available within 90 days of approving the ATV grant funding. ATV-AAC has the discretion to waive the 90 day requirement if it is found to be beneficial to the program. All project sponsors must certify the availability of their match and demonstrate the use of the match in their reports. Preliminary work needed to prepare for the application, such as design work, cost estimate development, and preconstruction planning, is also eligible as a match.

(3) Projects eligible for funding:

(a) Acquisition, development, maintenance, and operation as well as safety, education, and first aid training, law enforcement. These must be consistent with motorized recreation goals and objectives contained in the land managers' management plan, area resource plan, comprehensive plan, or other planning document that show a long range dedication to ATV use and its future.

(b) Applications for funding assistance for ATV funds must be submitted on forms supplied by the Department. Applications must be consistent with the ATV Funding Grant Procedures Manual. The ATV-AAC will meet to recommend funding to the Director for all eligible projects submitted.

(4) Projects ineligible for funding:

(a) Projects that include overhead, overtime, wages, vehicles, buildings and equipment that are not associated with specific projects or activities.

(b) Projects that include year-long funding for seasonal use, do not meet long range goals for ATV use, and are not in the best interest of the ATV program.

(c) Projects that have no way to measure completion or intent.

(d) Projects, or those portions of a project that have commenced prior to project authorization, with the exception of preliminary work that has been allowed as match.

Stat. Auth.: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Stats. Implemented: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00

736-004-0030

Project Administration

(1) An agreement shall be signed by the applicant and parks within 45 days of recommendation by the ATV-AAC. Projects not authorized within this time frame will be canceled. No project may begin without a signed agreement between the applicant and the Department. Permits, plans, and specifications must be received by the Department prior to the expenditure of funds.

(2) If funds are not available to fully fund a project or partial funding has been recommended by the ATV-AAC, the sponsor will be given the option of reducing the scope of the project.

(3) Extensions to project agreements may be granted only upon the recommendation of the ATV-AAC. Requests for extensions must be submitted to the Department and must show a compelling need for the extension.

(4) Project grant applications that do not receive funding assistance will be returned to the applicant without prejudice.

(5) Projects will be inspected by the Department prior to final acceptance. At the discretion of the Department, advances may be made in 25% increments. Project sponsors must demonstrate work completed before the next 25% increment will be advanced. A minimum of 25% of the allocated funds will be withheld until final inspection is complete and certified for payment of remaining funds.

(6) If no progress on a project has been made within 6 months of project authorization, the agreement shall be cancelled.

(7) Status reports will be required.

(a) The Department and ATV-AAC will establish status reporting procedures based upon funding requested. This report must include work completed, allocated and match funds expended and funds remaining.

(B) Financial statements, inspections and final reports shall be completed within 90 days of project completion or expiration of project agreements.

(8) Project Completion:

(a) Projects funded through the ATV grant program must be visibly posted to show the project was funded through the program. Posters, decals and stickers will be furnished by the Department for the posting.

(9) Conversion Requirements:

(a) Private lands that have been acquired using ATV funds shall be made available for ATV use. If ATV use is terminated on lands purchased with ATV funds, the sponsor shall make every reasonable attempt to either replace the land with land that has equal or greater suitability for ATV use and equal or greater fair market value or shall reimburse the ATV fund an amount equal to the fair market value of the property. Fair market value of the converted land and replacement property shall be determined by appraisals.

(b) In the case of development, rehabilitation, and equipment purchases, the sponsor shall operate the improvements or equipment for its established useful life. Guidelines established by the IRS will be used to define useful life per each item. If the facility is closed, service is terminated and the facility or equipment has not reached its useful life, it will be made available to other agencies or organizations. If a facility is closed, service is terminated, or land is closed, a percentage of the allocated funds will be returned to the Department equal to the percentage of useful life remaining in the funded facility or equipment.

Stat. Auth.: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Stats. Implemented: ORS 390.180, SB 1216 & Ch. 977, OL 1999

Hist.: PRD 5-2000, f. 5-3-00, cert. ef. 5-5-00

ATV Operating Permit Agents

736-004-0040

Definition of an ATV Operating Permit Agent

As used in OAR 736-004-0045 and 736-004-0050, an ATV Operating Permit Agent is a person, business or government agency who is consigned ATV operating permits and decals by Oregon Parks and Recreation Department for sale as a service to the general public. For the purposes of OAR 736-004-0045 and 736-004-0050, "agent" shall mean an ATV Operating Permit Agent.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

736-004-0045

ATV Operating Permit Agent Application and Privileges

- (1) To become an ATV Operating Permit Agent an applicant shall:
 - (a) Submit an application to become an ATV Operating Permit Agent;
 - (b) Submit a surety bond in an amount determined by OPRD when 250 or more permits are to be ordered at a time.
 - (c) Enter into an agreement with OPRD to be designated as an agent.
- (2) Agents shall be consigned ATV operating permits without prepayment.
- (3) Agents may charge and retain \$.50 for each permit issued in addition to the regular costs of the permit, to cover the agent's costs to handle the permits.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

736-004-0050

Requirements of an ATV Operating Permit Agent

- (1) ATV Operating Permit Agents shall comply with all of the following requirements:
 - (a) Legibly complete each ATV operating permit issued with the following information:
 - (A) The Class of permit being issued, either Class I, Class II, or Class III;
 - (B) The expiration date. which shall be two years from the date the permit is issued;
 - (C) A complete vehicle description, including the make, body style and vehicle identification number, if there is one;
 - (D) The name and complete address of the person owning the vehicle;
 - (E) The date the permit was issued;
 - (F) The identifying agent number that has been assigned by OPRD to the agent; and

(G) The written signature of the agent or agent's designee issuing the permit, which shall include at least the person's full first and last name.

(b) Issue an ATV decal with each operating permit. The decal and operating permit shall be issued with the same inventory number. The light equipment (year) sticker number affixed to the decal shall be recorded on the permit; and

(c) Send OPRD the "parks" copy of the permits on or before the 10th of the following month, together with the ATV Operating Permit Agent's Monthly Sales Report and remittance of fees for all permits sold the previous month.

(2) An agent shall not loan ATV operating permits to any other agent or person.

(3) Any alteration of the ATV operating permit information at time of issue shall void the permit. When an ATV operating permit is voided, the agent shall send all copies of the permit, including the decal to OPRD along with an explanation of why the permit was voided. Voided permits shall be submitted with the next monthly report. If copies of the permit are unavailable for submission to OPRD, the explanation shall state why the copies are unavailable.

(4) It is the responsibility of the agent to provide a secure facility to store the permits and to maintain accounting controls for the inventory of permits consigned to the agent. All permits that are not accounted for by the agent are deemed to be the agent's responsibility and the fee for each permit not accounted for shall be charged to the agent.

(5) Agents shall return all unused ATV operating permits and decals to OPRD upon demand or when the agency agreement is terminated.

(6) An agent's failure to comply with the provisions of this rule may result in the cancellation of the agent's authority to issue ATV operating permits and decals.

(7) OPRD may cancel an agent's authority to act as an ATV Operating Permit Agent at any time.

Stat. Auth.: ORS 390.180

Stats. Implemented: ORS 390.180

Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

ATV Operating Permits

736-004-0055

Definitions -- All-Terrain Vehicles

(1) "ATV" means all-terrain vehicle.

(2) "Dry weight" means the unloaded weight, absent of passengers and any materials such as ice, snow, or mud.

(3) "Saddle" means any device attached to the vehicle which is used for seating.

(4) A Class I ATV is less than 50 inches in width, has a dry weight of 800 pounds or less travels on three or more low pressure tires, and has a saddle seat for the operator. It is designed for, or capable of, cross-country travel over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

(5) A Class II ATV weighs more than 800 pounds, but less than 8,000 pounds, is designed for and capable of travel cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain and is operated off a highway.

(6) A Class III ATV has a dry weight of 600 pounds or less and travels on two tires.

Stat. Auth.: ORS 390.180

Stats. Implemented: ORS 390.180

Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

736-004-0060

All-Terrain Vehicle Off-Road Operating Permit

(1) An all-terrain vehicle (ATV) off-road operating permit shall be in the form of a decal to be placed on the vehicle as determined in OAR 736-004-0065. All ATV off-road operating permits shall contain:

(a) The distinctive number or characters assigned by OPRD to the vehicle;

(b) The word "Oregon"; and

(c) The expiration date, either on the permit or designated by the use of stickers.

(2) The application for an ATV off-road operating permit shall include, but not be limited to the following:

(a) Vehicle description including make, body style and, the vehicle identification number if there is one.

(b) Name and address of the owner; and

(c) An indication of whether the permit is for a Class I, Class II or Class III ATV.

(3) The fee for an original or replacement ATV off-road operating permit shall be \$10.

(4) To replace a permit that is lost, destroyed, mutilated or needs to be replaced for any reason, the owner must:

(a) Apply for a new permit in the same manner as for an original permit; and

(b) Pay the \$10 fee.

Stat. Auth.: ORS 390.180

Stats. Implemented: ORS 390.180

Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

736-004-0065

Placement of ATV Off-Road Operating Permit

An ATV off-road operating permit shall be in the form of a decal to be permanently affixed to the vehicle for which it is issued, and be clearly visible. Placement of the permit shall be as follows:

(1) For quads, three-wheelers, or vehicles of a similar design, the permit shall be displayed on the right-hand side of the vehicle in a visible location;

(2) For jeeps, pickups, passenger cars and similar vehicles, the permit shall be displayed in a manner that makes it visible from the rear of the vehicle, such as on the bumper or in the rear window;

(3) On sandrail vehicles (dune buggies) the permit shall be displayed in the middle of the rear rollbar and be visible from the rear of the vehicle; and

(4) For vehicles that are similar in design to motorcycles and where it is not possible to display the permit as required in sections (2) or (3) of this rule, the permit shall be displayed:

(a) On the front fork tube, on the opposite side of the vehicle from the brake, or in a location that is visible while the rider is on the vehicle; and

(b) Be positioned either horizontally or vertically.

Stat. Auth.: ORS 390.180

Stats. Implemented: ORS 390.180

Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

736-004-0070

Reciprocity for Out-of-State Permits

An ATV operating permit that is issued in another state shall be honored in the State of Oregon if the issuing state also honors an Oregon ATV operating permit.

(1) The ATV must have a resident state ATV operating permit or a State of Oregon ATV operating permit to operate the ATV on designated ATV areas.

(a) A State of Oregon ATV operating permit may be issued for all terrain vehicles owned by a resident of another state.

(b) An ATV operating permit is valid in those areas designated for ATV use.

Stat. Auth.: ORS 390.180

Stats. Implemented: ORS 390.180

Hist.: PRD 8-2000, f. & cert. ef. 6-2-00

736-004-0075

Statutory Authority

OAR 736-004-0075 through 736-004-0085 are adopted pursuant to ORS 390.570 and 390.575 which direct the Oregon Parks and Recreation Department to issue or provide for issuance of Class I and Class III ATV operator permits to any person who has taken a Class I or Class III ATV safety education course and has been found qualified to operate a Class I or Class III all-terrain vehicle. These statutes authorize the Department to provide safety education course instructors through public or private local and state organizations meeting qualifications established by the Department.

Stat. Auth.: ORS 390.570 & 390.575

Stats. Implemented: ORS 390.570 & 390.575

Hist.: PRD 2-2001, f. & cert. ef. 2-23-01

736-004-0080

Policy

(1) The Department may contract with public or private local and state organizations to provide ATV safety education program instructors. The organizations must meet these minimum qualifications established by the Department:

(a) Lesson plans must be certified by the American National Standards Institute as meeting industry standard training criteria;

(b) Courses must include:

(A) Classroom discussion and hands-on instruction;

(B) Emphasis on the responsible use and operation of ATV's to protect the environment; and

(C) Information on Oregon laws and rules concerning ATV use, operator requirements, operator permit requirements, rules of operation, safety requirements and associated penalties.

(c) Instructors must be currently licensed or certified by the organizations to instruct ATV safety education courses in the State of Oregon.

(d) Instructors, landowners, dealers and others associated with training must be covered by the organization's liability insurance while conducting safety education courses.

(e) Course completion certificates must be issued to those persons who successfully complete the safety education course.

Stat. Auth.: ORS 390.570 & 390.575

Stats. Implemented: ORS 390.570 & 390.575

Hist.: PRD 2-2001, f. & cert. ef. 2-23-01

736-004-0085

ATV Operator Permits

(1) The Oregon Parks and Recreation Department shall issue and mail a Class I or Class III ATV operator permit to persons who have successfully completed an approved safety education course and have been issued a course completion card.

(2) A Class I or Class III ATV operator permit shall include:

(a) The operators name and address;

(b) The operators date of birth; and

(c) The date the safety education course was completed.

(3) The ATV course completion card shall be considered a temporary operator permit until the permanent ATV operator permit is issued by the Department.

(a) An ATV course completion card issued to an out-of-state resident who has completed an approved safety education course will meet the requirements of an operator permit in Oregon.

(4) When an ATV operator permit is lost, mutilated, or destroyed, the Department will issue a duplicate permit. The operator must submit a written request to the Department explaining why the duplicate permit is needed.

(5) In accordance with ORS 821.174, when a persons driving privileges are suspended or revoked, an ATV operator permit is invalid and the person may not operate a Class I or Class III all-terrain vehicle.

Stat. Auth.: ORS 390.570 & ORS 390.575

Stats. Implemented: ORS 390.570, ORS 390.575 & ORS 821.174

Hist.: PRD 2-2001, f. & cert. ef. 2-23-01

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PARKS AND RECREATION DEPARTMENT

DIVISION 10

GENERAL PARK AREA RULES

736-010-0005

Purpose and Scope of Rules, Statutory Authority

(1) This division governs the operation of park areas under the jurisdiction of the department pursuant to ORS 390.111, which provides the department complete jurisdiction and authority over all park areas acquired by the state for scenic, historic, natural, cultural or recreational purposes.

(2) This division is adopted pursuant to the commission's authority to manage, operate and maintain park areas provided in ORS 390.121; the commission's authority to adopt rules necessary for the use and administration of park areas provided in ORS 390.124; and the authority of the director and park employees specifically designated by the director to enforce park area rules by citation provided in ORS 390.050.

Stat. Auth.: ORS 390.050, 390.111, 390.121, & 390.124

Stats. Implemented: ORS 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1990, f. & cert. ef. 5-14-90; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0010

Statutory Authority and Procedures

The text of this rule, 736-010-0010, was combined with rule 736-010-0005 above.

Stat. Auth.: ORS 390

Stats. Implemented: ORS 390.050, 390.111, 390.121, 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1990, f. & cert. ef. 5-14-90; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0015

Definitions

As used in this division, unless the context requires otherwise:

- (1) "Area Manager" means the immediate supervisor of park managers within a specified geographic region of the state.
- (2) "Commission" means the Oregon State Parks and Recreation Commission.
- (3) "Department" means the Oregon State Parks and Recreation Department.
- (4) "Director" means the department director.
- (5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Park Area" means any state park, wayside, corridor, monument, historic, trail, or recreation area, including the ocean shore adjacent to any park area boundary, under the jurisdiction of the department.

(7) "Park Employee" means an employee of the department.

(8) "Park Manager" means the supervisor or designated employee in charge of a park area.

(9) "Park Resources" means any natural, cultural, or human-made structure or feature of a park area.

(10) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(11) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

(12) "Violate" includes failure to comply.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111 & 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0020

General Regulations

(1) The director may establish seasons, overnight length of stay, camper checkout times and procedures to adjust daily park area opening and closing times.

(2) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park area with a county, city, or political subdivision thereof for the purposes of enforcing park rules, and applicable state, county or city laws.

(3) A park manager or park employee may seek compliance from the public with any park area rule.

(4) A park manager or designated park employee may order any person that violates any park area rule to leave a park area.

- (5) A park manager or an enforcement officer may exclude a person that violates any park area rule from the park area for a specified period of time.
- (6) A peace officer, pursuant to a written agreement with the department, may seek compliance from the public with any park area rule and may order a person who violates this division to leave the park area.
- (7) A peace officer, pursuant to a written agreement with the department, may exclude a person who violates any park area rule; federal, state, county, or city law; or court order from a park area for a specified period of time.
- (8) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:
- (a) Permit or limit specific activities or uses in designated portions of a park area;
 - (b) Designate a location within a park for a single use to avoid conflicts between users;
 - (c) Restrict access to or close an entire park area;
 - (d) Restrict access to or close a portion of a park area; or
 - (e) Exclude a person from a park area.
- (9) A person excluded from a park area may appeal the exclusion notice by filing an appeal to the area manager within seven days of the exclusion date.
- (a) A person may request an appeal hearing.
 - (b) Unless the person requests the presence of the issuing person at the appeal hearing, the issuing person's sworn statement may be used as evidence at the hearing in lieu of that person's testimony.

Stat. Auth.: ORS 390.050, 390.121, 390.124

Stats. Implemented: ORS 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 9-1982(Temp), f. & ef. 6-28-82; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 1-1992, f. & cert. ef. 2-14-92; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 1-1998, f. 1-15-98, cert. ef. 1-20-98; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0022

Fines

(1) A person that violates any park rule commits either a Class A, B, C, or D violation punishable, upon conviction, by a fine as provided in ORS 153.018(2).

(2) Each occurrence of a violation of a park area rule shall be considered a separate offense.

Stat. Auth.: ORS 153 & 390

Stats. Implemented: ORS 153.018, 390.050, 390.111 & 390.990

Hist.: PR 5-1983, f. & ef. 3-30-83; PRD 2-2000(Temp), f. & cert. ef. 1-14-00 thru 7-12-00; PRD 6-2000, f. & cert.. ef. 5-9-00; PRD 1-2004(Temp), f. & cert. ef. 1-15-04 thru 3-31-04; PRD 4-2004, f. 3-15-04 cert. ef. 4-15-04; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0025

Motor Vehicles

(1) All park area roadways are considered public roadways and all provisions of motor vehicle laws of the State of Oregon are applicable and enforceable. Motorists must comply with motor vehicle regulatory signs posted in park areas.

(2) Motor vehicles shall be operated only on roads and in parking areas constructed or designated for motor vehicle use.

(3) Where not otherwise posted, motor vehicles may not be operated within a park area at speeds in excess of 25 miles per hour.

(4) Automobiles, trailers, or other vehicles shall be parked only in designated parking areas.

(5) The department may impound or have a vehicle towed at the owner's expense if a vehicle is parked in a fire lane, roadway, entry way or driveway that prevents the safe continued flow of pedestrian or vehicle traffic or causes imminent danger.

(6) Abandoned vehicles exceeding 72 hours or vehicles owned by a person who has been excluded or who is in violation of criminal trespass may be towed at the owner's expense.

(7) All motor vehicles and trailers parking overnight in day use areas must obtain a permit. Motor vehicles and trailers without a permit are subject to towing at the owner's expense.

(8) Unlicensed motorized vehicles, except park area service vehicles, may not be operated in park areas unless otherwise posted, with the exception of the operation of motor assisted scooters by disabled persons on bicycle lanes or paths.

(9) A person may operate an Off-Highway Vehicle (OHV) only in designated off-highway riding areas or on park roadways which are signed for OHV use.

(10) A person may operate an OHV in park areas only during those seasons and hours of operation which are established by the park manager.

(11) A person shall operate an OHV below the maximum permissible decibel level.

(12) A person may not operate a motor assisted scooter in a park area, including on a bicycle lane or bicycle path.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq, 814.500, 814.516, 814.550 & 814.554

Hist.: 1 OTC 17, 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 1-1994, f. & cert. ef. 2-9-94; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0026

Non-Motorized Vehicles, Cycles or Similar Devices

(1) A person operating a bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land, except devices utilized by persons with disabilities, must comply with the following:

(a) Motor vehicle and bicycle regulatory signs posted in park areas,

(b) Persons under 16 years of age are required to wear protective headgear,

(A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.

(B) In the event that a person between 11 and 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility.

(c) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:

(A) Yielding the right-of-way to pedestrians and animals;

(B) Dismounting and walking in congested areas and posted walk zones;

- (C) Slowing down and making presence well known in advance and using caution when overtaking other persons or animals;
 - (D) Displaying adequate lighting during the hours of darkness, in compliance with ORS chapters 814 to 816;
 - (E) Using caution when approaching turns or areas of limited sight distance;
 - (F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; and
 - (G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles.
- (2) A person may operate non-motorized cycles or similar devices on roads and trails in any park area, except where posted to specifically prohibit or conditionally restrict such activity.
- (3) The director or designee may open or close roads and trails to the operation of non-motorized cycles or similar devices, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.
- (4) A person may not operate non-motorized cycles, scooters, or similar devices in any park area listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:
- (a) Off roads or trails;
 - (b) Within designated natural areas, natural forest areas, or natural area preserves except on roads open for motor vehicles; and
 - (c) On docks, piers, floats and connecting ramps.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 814.400 - 814.489, 814.600

Hist.: PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0027

Boats and Moorages

- (1) The park manager may post restrictions or prohibitions on the use of motorboats or other watercraft in park areas.
- (2) Boaters must comply with regulatory signs posted in boat launching, moorage and beach areas.

(3) Boaters shall moor or secure their boat in a manner that will not cause personal injury or damage to private property or park resources.

(4) Boaters shall vacate moorages by the designated checkout time on the last day of the rental date unless otherwise posted.

(5) If a person has failed to pay moorage rental rates for two consecutive days, has exceeded the moorage stay limit, or is occupying a moorage slip reserved by another, the department may have all possessions, including the watercraft, removed at the owner's expense. The department is not responsible for any loss or damage to possessions or watercraft.

(6) The park manager may permit fishing from boat moorage docks.

(7) A person may not swim or water ski within 200 feet of or from boat moorage docks or facilities.

(8) Motorized boats and all other watercraft are prohibited from entering established swimming areas except for the protection or rescue of human life.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 830.912 & 830.914

Hist.: PR 5-1983, f. & ef. 3-30-83; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0030

Domestic Animals

(1) Domestic animals means those animals whose food and shelter are provided by a human custodian. Handler means any person who either brings a domestic animal into a park area or keeps a domestic animal in a park area.

(2) A handler shall either confine the domestic animal in a vehicle or on a leash not more than six feet long and keep the animal under physical control at all times.

(3) A handler is responsible for the animal's behavior and containment and for the removal of the animal's wastes while in the park area.

(4) With the exception of certified human service animals, domestic animals are prohibited in the following locations:

(a) Park area buildings and structures;

(b) Bodies of water, except hunting dogs are allowed in those areas described in OAR 736-010-0055;

(c) Beaches adjacent to designated for swimming areas; and

(d) Other areas where posted.

(5) The park manager or an enforcement officer may take any measure deemed necessary (including the removal of the animal from the park area) to protect park resources or to prevent interference by the animal with the safety, comfort, or well being of any person in the park area.

(6) Park employees may seize any domestic animal running at large in a park area and release to an animal pound or animal control officer.

(7) The park manager may designate a portion of a park area as open to dogs off leash for the purposes of training dogs, open field trials, or exercising dogs, when the handler is in control of the dog.

(8) A person may not ride, drive, lead, or keep a horse or other large animal in any park area, except on such roads, trails, or areas designated for that purpose. A handler may not hitch or confine a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.

Stat. Auth ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; Renumbered from 736-015-0050, PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0035

Livestock and Farming

(1) A person may not harass livestock or interfere with lawfully permitted farming activities or facilities, including fencing.

(2) A person may not conduct non-permitted farming activities in park areas.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0040

Visitor Conduct

- (1) Fires in park areas shall be confined to:
 - (a) Park camp stoves or fireplaces provided for such purpose;
 - (b) Portions of beach areas designated as permissible for fires; or
 - (c) Portable stoves used in established campsites, picnic areas, or beach areas where fires are permitted.
- (2) Every fire shall be extinguished before its users leave the park area. No fire shall be permitted to cause personal injury or damage to private property or park resources.
- (3) The park manager may restrict or prohibit fires due to high fire hazard conditions.
- (4) A person may not mutilate, deface, damage, or remove any property, structure or facility of any kind in a park area, except as provided in OAR 736-010-0055.
- (5) A person shall leave garbage, recyclables, sewage or waste in a park area only in the designated containers provided.
- (6) A person may not dispose of garbage, recyclables, sewage, or waste generated by activities conducted outside a park area in a park area, with the exception of recreational vehicle sewage and gray water holding tank contents to be disposed of in designated dump stations.
- (7) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.
- (8) A person may not engage in the following activities in park areas:
 - (a) Use or operation of any noise producing machine, vehicle, device or instrument in a manner that may disturb other park area visitors;
 - (b) Use of a public address system or similar device without written permission of the park manager;
 - (c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other substances without the written permission of the park manager;
 - (d) Use of a metal detector or similar device without a permit from the department;
 - (e) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area;

(f) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility;

(g) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well being of any person in the park area;

(h) Smoking in any areas where the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875; prohibits smoking;

(i) Activities or conduct which constitutes a public nuisance or hazard;

(j) Public indecency as defined in ORS 163.465;

(k) Base-jumping, hang gliding, paragliding or similar activities are not permitted in park areas without a permit from the park manager. The use of hang gliders is permitted at Cape Kiwanda State Natural Area.

(l) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except in those park area locations and for those purposes specified in OAR 736-010-0055(7).

(m) Place a sign, marker or inscription of any kind except in designated areas within a park area without written permission from the park manager.

(9) A person may not distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park area unless they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) A person may not operate a concession, solicit, sell or offer for sale, peddle, hawk or vend any goods, wares, merchandise, food, liquids or services in a park area without prior written authorization from the park director.

(11) All money or goods found by the public in park areas having a value of \$20 or more must be turned over to the park manager. All money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(12) The director or designee may close rock formations and cliffs within a park area to descending, scaling or technical rock climbing.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835-433.875 & 498.006

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f.

4-30-91, cert. ef. 5-13-91; PR 8-1993, f. & cert. ef. 5-11-93; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 7-1996, f. 8-14-96, cert. ef. 8-15-96; PRD 4-2000, f. & cert. ef. 4-5-00; Renumbered from 736-010-0045, 736-010-0070, 736-010-0125, 736-015-0045 & 736-015-0067, PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0045 [Renumbered to **736-010-0040**]

736-010-0050

Overnight Use

- (1) Overnight use is not permitted on the ocean shore abutting park areas, or in any park area not designated for camping.
- (2) A person must comply with seasons, overnight length of stay, and camper checkout times.
- (3) Overnight facilities shall be occupied by paid customers or permitted visitors only.
- (4) Owners of vehicles in a campground later than 10:00 PM are subject to overnight use fees.
- (5) A park employee may authorize more than one vehicle to occupy an individual campsite. Individual campsites shall be occupied by no more than one recreational vehicle at the same time, unless authorized by a park employee.
- (6) A maximum of eight individuals may occupy one campsite unless otherwise specified by the park manager.
- (7) Quiet hours are 10:00 P.M. to 7:00 A.M.
- (8) Campsites must be occupied the first night after any belongings are left in the site. If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit the department may have all possessions removed from the campsite at the owner's expense. The department will not be responsible for any loss or damage to possessions.
- (9) Campers must be 18 years of age or older to reserve and register for campsites, cabins, yurts, and other overnight facilities in parks areas.
- (10) The registered camper will be responsible for the activities of all users of the site.
- (11) The park manager may require that all food, garbage and equipment used to cook or store food, when not attended, be placed in a vehicle or hard sided camping unit.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 1-1992, f. & cert. ef. 2-14-92; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 2-1995, f. & cert. ef. 1-23-95; PR 3-1996, f. & cert. ef. 5-13-96; PRD 4-2001, f. 2-28-01, cert. ef. 3-1-01; PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0055

Cultural, Historic, Natural and Wildlife Resources

(1) A person may not disturb or remove any archaeological, cultural, or historical material from a park area, unless authorized by the director as defined in ORS 390.235.

(2) A person may not, except with the written permission of the park director or park manager:

(a) Dig up, or remove any soil, rock, or fossil materials;

(b) Roll any stones, logs or other objects that may endanger a person or damage park resources; or

(c) Pick, cut, mutilate or remove plants or natural resources of any type from any park area, except as allowed by sections (3) to (5) and (7) of this rule.

(3) A person may collect limited-souvenirs of agate and gem stone rock materials within the boundaries of Succor Creek State Recreation Area away from the developed public use areas and roadways of the park under the following conditions:

(a) No commercial digging, quarrying, or removal of rock is allowed;

(b) No excavating or rock collecting is permitted within a distance of 500 feet from any developed public use picnic area or campground, or 200 feet from an improved highway or park road within the park area; or within the area of an archeological site;

(c) Excavation is restricted to standard hand tools including a hand pick, shovel, or hammer;

(d) The use of mechanical excavators including, but not limited to bulldozers, backhoes, scoops, tractors, or the use of other power tools to excavate or remove materials is prohibited;

(e) Excavation of rock or soil materials around the root zone of trees and shrubs is prohibited.

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on the state and federal lands of this area.

(5) A person may gather for personal consumption berries, fruits, mushrooms, or similar edibles. A person may not uproot living plants and roots, tubers, flowers, and stems may not be collected except with a permit and only for scientific collection or research purposes, or by a Native American for personal consumption as part of their traditional cultural heritage. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

(6) A person may not give or offer food items to any wildlife within a park area except when authorized by the park manager.

(7) A person may not hunt, pursue, trap, kill, injure, or molest any wildlife or disturb their habitats within a park area, except under the following provisions:

(a) In those park areas where hunting and trapping is permitted, a person must comply with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is permitted, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) Seasonal hunting of waterfowl is permitted in the following park areas:

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of La Pine State Park located on the northeast boundary, beginning 4,135 feet down river from the Deschutes River Home Sites #6 bridge (survey point at N43 46.989, W121 31.015) to a point 950 feet up river of the Fall River confluence (survey point at N43 47.204, W121 30.705);

(E) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(F) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;

(G) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island. Hunting will not be allowed during the special waterfowl hunting season which starts in September as posted;

(H) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(I) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

(J) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is permitted within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is permitted in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting of upland game birds is permitted in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(g) Trapping is allowed only by permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(h) Hunting is permitted with shotguns or bows and arrows only, during authorized seasons in all Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

(A) Wapato Access (Virginia Lake), River Mile 17.6-18, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2-24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

(G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;

(H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;

(I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;

(J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;

(K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;

(L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;

(M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;

(N) Molalla River State Park, River mile 34.6-36.1, Main Channel, Right Bank when facing downstream;

(O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;

(P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;

(Q) Parrett Mountain Access, River Mile 45.5-46.0, Main Channel, Left Bank when facing downstream;

(R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;

(S) San Salvador Access, River Mile 56.7, Main Channel, Right Bank when facing downstream;

(T) Lincoln Access, River Mile 76.2-77.0, Main Channel, Left Bank when facing downstream;

(U) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;

(V) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;

(W) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

(X) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

(Y) Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;

(Z) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(AA) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(BB) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream;

(CC) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;

(DD) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;

(EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(GG) Log Jam Access, River Mile 194.4-194.8, Middle Fork, Left Bank when facing downstream;

(HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

(JJ) Lynx Hollow Access, River Mile 17.2, Coast Fork, Left Bank when facing downstream (Closed except for 100 foot strip along riverbank);

(i) Trapping in the Willamette River Greenway Corridor parcels closed to hunting, as listed above, is permitted only with written authorization from the department. Trapping is permitted in all other Willamette River Greenway Corridor parcels.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

Hist.: 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 10-1991, f. & cert. ef. 6-18-91; Renumbered from 736-015-0065, 736-015-0072, 736-015-0080, 736-015-0090, 736-015-0095, 736-015-0100, 736-015-0130, 736-015-0135, 736-015-0150 & 736-015-0160, PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0060

Alcoholic Beverages

(1) A person under 21 years of age may not possess or use alcoholic beverage(s) in any park area.

(2) A person may not possess or use alcoholic beverages in the following areas except by permit from the park manager:

(a) Bald Peak State Scenic Viewpoint;

(b) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;

(c) Lewis and Clark State Recreation Site between the east bank river frontage road and the Sandy River from I-84 upstream to the park boundary;

(d) TouVelle State Recreation Site;

(e) Tumalo State Park day use area;

(f) Bonnie Lure State Recreation Area;

(g) Warm Springs boat launch access, Deschutes River, Jefferson County; and

(h) Other park areas as signed.

(3) A person may not use an Oregon Liquor Control Commission licensed server to dispense any alcoholic beverage including malt beverages from kegs without a permit from the park manager.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 34(Temp), f. & ef. 8-7-74; 1

OTC 39, f. 10-1-74; 1 OTC 40, f. 11-1-74; OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1990(Temp), f. & cert. ef. 8-1-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91PR 16-1992, f. & cert. ef. 12-1-92; PR 8-1996, f. 8-14-96, cert. ef. 8-15-96; Renumbered from 736-015-0058, 736-015-0063, 736-015-0070, 736-015-0097, 736-015-0144, 736-015-0146 & 736-015-0148, PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0065

Rooster Rock State Park -- Nudity

?(1) A person of post-pubescent age or over 12 years of age is prohibited from engaging in nudity, as defined in ORS 167.060, in any area west of the boundary established by a line running north and south from 100 yards east of the easternmost beach access stairway and south of a line running east and west along the approximate high water mark of the Columbia River in Rooster Rock State Park.

(2) Section (1) applies only where the person engaging in nudity is in public view. Section (1) does not apply to nudity in a public bathhouse, lavatory, or within tents, campers or other enclosures which are screened so that the nudity cannot be viewed by the public.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 34(Temp), f. & ef. 8-7-74; 1 OTC 39, f. 10-1-74; 1 OTC 40, f. 11-1-74; OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1990(Temp), f. & cert. ef. 8-1-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91PR 16-1992, f. & cert. ef. 12-1-92; PR 8-1996, f. 8-14-96, cert. ef. 8-15-96; Renumbered from 736-015-0110, PRD 4-2005, f. & cert. ef. 5-5-05

736-010-0070 [Renumbered to **736-010-0040**]

736-010-0098 [Renumbered to **736-015-0010**]

736-010-0099 [Renumbered to **736-015-0015**]

736-010-0100 [Renumbered to **736-015-0020**]

736-010-0115 [Renumbered to **736-015-0026**]

736-010-0120 [Renumbered to **736-015-0035**]

736-010-0125 [Renumbered to **736-015-0040**]

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PARKS AND RECREATION DEPARTMENT

DIVISION 25

OCEAN BEACH ACCESS SIGN MAINTENANCE POLICY; FEDERAL, COUNTY AND CITY ACCESS

736-025-0005

Sign Maintenance

State Parks Department personnel will provide, post and maintain ocean shore recreation area rules and coastal safety hazard signs at the following city, county and federal beach access points:

(1) Clatsop County:

(a) Delaura Beach Road;

(b) Del Rey Beach Road;

(c) Gearhart Beach Access Ramp (10th Street);

- (d) The Prom "Turnaround", City of Seaside;
- (e) The Cove area, City of Seaside;
- (f) Ecola Court Ramp, City of Cannon Beach;
- (g) Chapman Beach Wayside, City of Cannon Beach.

(2) Tillamook County:

- (a) Neahkahnie Beach, Near Neahkahnie/Manzanita Wayside;
- (b) Nedonna Beach, Tillamook County, Parking Lot;
- (c) Twin Rocks State Wayside Property (undeveloped);
- (d) Barview County Park, Tillamook Bay North Jetty;
- (e) Bay Ocean Spit, end of Public Access Road;
- (f) Cape Meares Village;
- (g) Happy Camp;
- (h) Galloway Road, Sand Lake, end of Road;
- (i) Tierra Del Mar, north end of Cape Kiwanda State Park;
- (j) Cape Kiwanda Parking Lot;
- (k) Sunset Street, end of Road, Pacific City.

(3) Lincoln City:

- (a) N 39th Street;
- (b) N 26th Street;
- (c) N 15th Street;
- (d) N 21st Street;
- (e) Canyon Drive;
- (f) S 33rd Street;

(g) S 51st Street.

(4) Lincoln County:

(a) Moolack Beach, State Highway Division;

(b) Yaquina Head, BLM Area;

(c) Mouth of Beaver Creek next to Highway 101;

(d) Deer Creek, Lincoln County Beach Access Park;

(e) Tillicum Beach, U.S.F.S. Park;

(f) Cape Perpetua, U.S.F.S., Devil's Churn, Cape Creek.

(5) City of Newport:

(a) Agate Beach, small beach parking lot across from Hotel Newport;

(b) Nye Beach, City of Newport Beach Park;

(c) Yaquina Bay North Jetty;

(d) Yaquina Bay South Jetty.

(6) Lane County:

(a) Rock Creek, U.S.F.S.;

(b) Big Creek, U.S.F.S.;

(c) Conical Rocks, U.S.F.S., Heceta Head;

(d) Sutton Creek, U.S.F.S.;

(e) Heceta Beach Ramp, Lane County;

(f) Siuslaw North Jetty.

(7) Oregon Dunes NRA:

(a) Six Siuslaw South Jetty Road Parking Lots;

(b) Siltcoos Beach Parking Lot;

- (c) Three Umpqua South Jetty Parking Lots;
- (d) Horsfall Beach parking lot.
- (8) Coos County:
 - (a) Bastendorff Beach;
 - (b) Whiskey Run;
 - (c) Coquille South Jetty, County Park;
 - (d) Kronenberg Park, City of Bandon;
 - (e) Beach access north of Seabird Drive.
- (9) Curry County:
 - (a) Battle Rock Wayside, City of Port Orford;
 - (b) Nesika Beach Highway Rest Stop, State Highway Division;
 - (c) Rogue River North Jetty;
 - (d) Rogue River South Jetty, Port of Gold Beach;
 - (e) Curry County Fairgrounds;
 - (f) Hunter Creek Turnout, State Highway Division, south of Gold Beach;
 - (g) Two Meyers Creek Beach Turnouts, State Highway Division, base of Cape Sebastian;
 - (h) Chetco River South Jetty, Port of Brookings.

Stat. Auth.: [ORS 183.545](#) & [ORS 390.660](#)

Stats. Implemented: [ORS 390.660](#)

Hist.: PR 8-1984, f. & ef. 12-7-84; PR 11-1992, f. & cert. ef. 11-12-92

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DEPARTMENT OF FORESTRY

DIVISION 25

FOREST PARK AND RECREATION AREAS

629-025-0000

Purpose of the Rules

These rules establish standards for recreational use of state forest lands managed by the Forester. The objectives of these rules are to protect the resources of state forest lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. These rules are adopted pursuant to [ORS 530.050](#) which gives the Forester the authority to adopt rules necessary for the management, protection, utilization and conservation of state forest lands acquired pursuant to [ORS 530.010](#) to [530.040](#).

Stat. Auth.: [ORS 530.050](#)

Stats. Implemented: [ORS 530.010](#) to ORS 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95

629-025-0005

Definitions

As used in rules 629-025-0000 through 629-025-0070:

- (1) "Campground" means an area designated by the Forester.
- (2) "Camping" means occupying state forest lands overnight.
- (3) "Camping Area" means an area designated by the Forester for overnight camping, without designated campsites.
- (4) "Commercial Use" means recreational use of state forest lands for business, or financial gain.
- (5) "Day Use Area" means an area designated by the Forester for recreational use during specified hours, and where overnight camping is prohibited.
- (6) "Department" means Oregon Department of Forestry.
- (7) "Designated Recreation Area" means an area designated by the Forester, including but not limited to, campgrounds, camping areas, day use areas, trailheads, staging areas, and boat launch sites.
- (8) "Designated Trail" means any route on state forest land, other than a road, designated for a specific use by the Forester, which has been cleared of debris so that it is suitable for travel by motorized or non-motorized means.
- (9) "Forester" means the State Forester, or the Forester's authorized representative.
- (10) "Motorized Off-Road Zone" means an area on state forest land designated by the Forester where off-road use of motorized vehicles is permitted only on designated trails.
- (11) "Non-Motorized Zone" means an area on state forest land designated by the Forester where use of motorized vehicles is restricted to roads.
- (12) "Off Road Vehicle" means any vehicle capable of cross-country travel on other than roads, including but not limited to automobiles, trucks, 4-wheel drive vehicle, motorcycles, snowmobiles, and bicycles.
- (13) "Organized Event" means any planned recreational activity, which is advertised or otherwise promoted, or sponsored by any person, and conducted at a predetermined time and place.

(14) "Person" means an individual, corporation, company, partnership, trust, firm, or association of persons.

(15) "Recreational Use" means any public use of state forest land which is not for business or financial gain.

(16) "Road" means any facility on state forest land which meets the definition of "highway" contained in [ORS 801.305](#), and which is constructed for vehicular traffic and suitable for use by conventional two-wheel drive vehicles.

(17) "State Forest Lands" means lands owned by the State of Oregon, and managed by the Forester.

Stat. Auth.: [ORS 530.050](#)

Stats. Implemented: [ORS 530.010](#) to ORS 530.040

Hist.: FB 23, f. 6-5-70, ef. 6-25-70; FB 36, f. 1-22-74, ef. 2-25-74; FB 3-1995, f. & cert. ef. 9-15-95, Renumbered from 629-026-0005

629-025-0011

Permits - General Regulations

(1) The Forester may require permits for the following recreational uses:

(a) Organized events;

(b) Camping in campgrounds or in camping areas on state forest land;

(c) Parking at designated sites on state forest land;

(d) Use of Day Use Areas.

(2) Permit Duration; Suspension: Permits for recreational use on state forests lands may be issued for a day, season, or such other time period considered appropriate by the Forester for the use involved. The Forester may revoke a permit if necessary to protect public health, public safety, forest resources, or to obtain compliance with these rules.

(3) Bonds: For commercial use or organized events, the Forester may require the posting of a cash or surety bond or other guarantee in such form and in such amount as determined by the Forester to be sufficient by the Forester to defray the costs of restoration and rehabilitation of the lands affected by the permitted use. Bonds and guarantees will be returned to the permittee upon satisfactory compliance with all permit stipulations, including restoration and rehabilitation requirements.

(4) Insurance: For commercial use or organized events, the Forester may require a permittee to obtain and submit a property damage, personal injury, and public liability

certificate of insurance, written by an insurance company authorized to sell insurance in the State of Oregon, in an amount determined by the Forester to be sufficient to protect the public and the State of Oregon. The policy shall name the Forester as a named insured and stipulate that the Forester shall be notified 30 days in advance of the termination or modification of the policy.

(5) Liability: For commercial use or organized events, the permittee shall defend, indemnify, and hold harmless the State of Oregon against any responsibility or liability for damage, injury, or loss to persons and property which may occur during the permitted use period or as a result of such use.

Stat. Auth.: [ORS 530.050](#)

Stats. Implemented: [ORS 530.010](#) to ORS 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95

629-025-0020

Permits - Organized Events

(1) No person, corporation, or other entity shall sponsor, promote or conduct any organized event within the boundaries of state forest land without first having obtained a permit from the Forester.

(2) Organized events may be permitted when the following requirements are satisfied:

(a) Adequate sanitation, policing, medical facilities, traffic control and other necessary services are provided;

(b) Conflict with traditional forest recreation activities is minimized;

(c) All expenses, risks, and liabilities are borne by the sponsors rather than the general public;

(d) The health, well-being and property of forest users, persons, neighboring landowners and of the general public are protected.

(e) Damage to forest resources or improvements is negligible or can be reasonably mitigated.

(3) Permit Application Procedure: Any person requesting a permit for an organized event shall provide the following information to the Forester at least 60 days prior to the date of the proposed event:

(a) Date of the event;

(b) A map of the proposed event area;

(c) Number of participants;

(d) Name, address, date of birth and phone number of the sponsor;

(e) Description of the planned activities.

(f) A plan for timely clean-up and restoration of the areas used.

(g) The foregoing is **not** an exclusive list of the elements required for a permit.

(4) **Compliance With Other Rules:** All activities shall comply with applicable state and local codes, rules and ordinances. Additional state and local permits required shall be obtained prior to the beginning of the activity.

(5) **Approval or Denial of Permits:** The Forester may approve, with conditions, or deny the permit application consistent with the policies set forth in these rules. The following shall be considered in evaluating the permit applications:

(a) The ability of the applicant to finance, plan and manage the activity in accordance with sanitation, safety, medical care, fire control, security, crowd, noise, and traffic control requirements, and consistent with the protection of forest resources;

(b) The extent to which the proposed activity, in both nature and timing, threatens interference with customary usage of the forest by members of the public or interferes with the convenience of neighboring landowners and the general public;

(c) The experience of the applicant in performing similar activities in the past;

(d) Measures undertaken to mitigate any changes in customary forest usage or damage to forest resources or improvements caused by the activity.

(6) **Cancellation:** The Forester may cancel the permit effective immediately on notice to the applicant in the event of any emergency, significant law enforcement problem, or substantial threat to public welfare, safety or property arising from or affecting the activity, and may cancel the permit immediately upon any breach of other permit conditions. The applicant shall terminate the activity immediately upon receipt of notice from the Forester that the permit has been canceled.

(7) **Miscellaneous Provisions:** No application or proposal for an organized event will be considered by the Forester unless;

(a) The sponsor or its principal representative is at least 21 years of age; and

(b) The sponsor or sponsor-organization has satisfied all outstanding liabilities and requirements running to the Forester and arising out of any prior activity involving property under the jurisdiction of the Forester.

(8) Permits Non-transferable: No permit shall be transferable or assignable to any other sponsor, party or entity without prior written approval of the Forester.

Stat. Auth.: [ORS 530.050](#)

Stats. Implemented: [ORS 530.010](#) - ORS 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95

629-025-0030

Fees

(1) Established fees or charges shall be paid for use of overnight camping areas and other selected facilities and services.

(2) Payment of Fees: Unless posted otherwise, payment of fees and charges shall be made prior to receipt of the permit or use of the facilities and services. Permit fees will be non-refundable. Overnight camping fees are for the use of facilities until 1:00 p.m. of the following day.

(3) Established Fees: Specific fees for permits, facilities and services are as follows:

(a) Overnight camping in a designated campground - Vehicle site: \$10 per night;

(b) Overnight camping in a designated campground - Walk-in site: \$5 per night;

(c) Overnight camping in a designated campground - Group site: \$25 per night;

(d) Extra vehicle in a designated campground campsite: \$2 per night per vehicle;

NOTE: An additional fee is charged when an additional vehicle is allowed overnight and is driven into the campground. Two motorcycles are allowed before an extra vehicle fee will be charged;

(e) Overnight camping in a designated camping area: \$3 per night per vehicle;

(f) Firewood - where conditions permit, firewood will be sold.

Stat. Auth.: [ORS 530.050](#)

Stats. Implemented: [ORS 530.010](#) - ORS 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95

629-025-0040

General Forest Recreation Rules

(1) Sanitation.

(a) On all state forest lands, no person shall, unless otherwise authorized:

(A) Dispose of any cans, bottles and other non-flammable trash and garbage except in designated places or receptacles;

(B) Dispose of flammable trash or garbage except by burning in authorized fires, or disposal in designated places or receptacles;

(C) Drain sewage or petroleum products or dump refuse or waste other than wash water except in places or receptacles provided for that purpose;

(D) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

(E) Pollute or contaminate water supplies or water used for human consumption; or

(F) Use a refuse container or disposal facility for any purpose other than for which it is supplied.

(b) No person shall wash any clothing, dishware, cookware, or other materials in any lake, stream, river, or other body of water on State Forest land.

(c) No person shall deposit human waste within 100 feet of any campsite, trail, or body of water. Human waste shall be disposed of by burying to a depth of at least 6 inches.

(d) Where toilet or sewage facilities are provided, no person shall dispose of human waste except in those facilities.

(2) Occupancy and Use. On State Forest lands, no person shall:

(a) Camp longer than 21 days out of any 35 day period, more than a total of 60 days during a calendar year, or the period of time permitted by the Forester;

(b) Camp within 25 feet of any body of water or in other areas posted closed to camping by the Department; or

(c) Leave personal property unattended longer than 4 days. Personal property left unattended longer than 4 days, without permission of the Forester, shall be removed by the Department and shall be disposed of in a manner consistent with procedures outlined in OAR 629-025-0080.

(d) Leaving personal property unattended will be considered camping for the purposes of determining the length of stay at a given site.

(3) Property and Resources. On all State Forest lands, unless otherwise authorized by the Forester, no person shall:

(a) Deface, disturb, remove or destroy any public property, structures, or any scientific, cultural, archaeological or historic resource, natural object or area;

(b) Deface, remove or destroy plants or their parts, soil, rocks, or minerals, or cave resources, unless advance authorization is obtained in writing from the Forester.

(4) Animals.

(a) Any dog, cat, horse or other animal brought into or kept on State Forest lands shall be kept under control at all times.

(b) No horse or other animal shall be hitched or confined in a manner that may cause damage to any tree, shrub, improvement, or structure.

(c) The Forester has the authority to undertake any measures deemed necessary (including removal of the animal from State Forest lands) to protect State Forest resources and to prevent interference by the animal with the safety, comfort, and well-being of others.

(5) Construction of Trails and Shelters. On State Forest land, no person shall modify, construct, or cause to be constructed any trail, shelter, building, or other facility or improvement without written permission of the Forester.

(6) Firewood Collection

(a) Persons engaged in lawful camping activity may collect sufficient firewood for their personal use while camped on State Forest land, except where otherwise prohibited in these rules.

(b) No person shall be permitted to remove from State Forest land firewood which has been collected for use while camping on State Forest land, without a valid firewood permit.

(c) Firewood shall be collected only from dead and down material that is 12 inches or less in diameter at its largest point. No standing trees, living or dead, may be felled for conversion into firewood without a valid firewood permit.

(7) Campfires.

(a) Fires shall be confined to camp stoves or fire rings or other fireproof structures constructed for such purposes. Such structures shall not exceed four feet in diameter.

(b) All flammable material shall be cleared for a distance of 5 feet around and 10 feet above any fire ring or other structure used to contain a campfire.

(c) No fire shall be left unattended and every fire shall be extinguished before it's user leaves the site.

(8) Traffic Rules.

(a) When operating a vehicle on State Forest lands, no person shall violate the basic speed rule or exceed posted speed limits, willfully endanger persons or property, or act in a reckless, careless, or negligent manner.

(b) No person shall obstruct or hinder the flow of traffic on any road.

(c) No person shall operate a vehicle on any State forest road in violation of Oregon traffic laws.

(9) Target Shooting.

(a) No person shall place targets on live trees or shoot live trees for any purpose.

(b) No person shall shoot across or along any road or trail.

(c) No person shall shoot carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.

(d) Persons engaged in target shooting shall remove from State Forest land all shell casings, targets, and other debris resulting from their use.

(e) No person shall shoot targets other than those commercially manufactured for the specific purpose of target shooting, except for paper targets privately manufactured by the person or people engaging in target shooting.

(f) No person shall shoot glass of any kind as a target.

(g) No person shall shoot appliances, furniture or other debris determined to be garbage or refuse by an enforcing officer.

(h) Target shooting and other shooting related activity will be prohibited from one half hour after sunset to one half hour before sunrise.

(10) Concessions . No person shall:

(a) Operate a concession on State forest land, either fixed or mobile, solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services without written permission of the Forester;

(b) Advertise any goods or services by any means whatsoever.

Stat. Auth.: ORS 530.050

Stats. Implemented: ORS 530.010 - 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95; DOF 4-2005, f. & cert. ef. 3-1-05

629-025-0050

Designated Recreation Areas.

(1) State forest lands designated by the Forester as "Designated Recreation Areas" may include, but are not limited to campgrounds, camping areas, day use areas, trailheads, staging areas, and boat launch sites. Maps showing the Designated Recreation Areas shall be kept on file at the State Forester's office and the applicable District office, and shall be available for public inspection during normal business hours.

(2) General Forest Recreation Rules as outlined in OAR 629-025-0040 shall be applicable to Designated Recreation Areas. In addition to those rules, the following rules shall apply:

(3) Occupancy and Use:

(a) At areas where camping is permitted no person shall camp longer than 14 days out of any 28 day period at a designated recreation area.

(b) Leaving personal property unattended will be considered camping for the purposes of determining the length of stay at a given site.

(4) Firewood: No person shall collect firewood within the boundaries of any designated recreation area.

(5) Firearms, Weapons, Explosives: Within a designated recreation area no person shall:

(a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal;

(b) Discharge any firearm, pellet gun, bow and arrow, slingshot or other weapon capable of injuring any person, bird, or animal;

(c) Possess any loaded firearms; or

(d) Discharge or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, or other substances which could be harmful to visitors or resources without written permission of the Forester.

(6) Property and Resources: No person shall mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a designated recreation area.

(7) Parking: Automobiles, trailers, or other vehicles shall be parked only in designated parking areas.

(8) Animals: The owner is responsible for the disposal of the animal's waste within designated recreation areas.

(9) Offensive Behavior: No person shall use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures, or engage in demonstrations, disturbances, or riotous behavior in any designated recreation area.

(10) Excessive Noise: No person shall operate or use any noise-producing machine, vehicle device, or instrument in such a manner that is disturbing to other visitors.

Stat. Auth.: [ORS 530](#).050

Stats. Implemented: [ORS 530](#).010 - ORS 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95

629-025-0060

Campground & Day Use Areas

(1) Maps showing the Campground and Day Use Areas designated by the Forester shall be kept on file at the State Forester's office and the applicable District office, and available for public inspection during normal business hours.

(2) The General Forest Recreation Rules as outlined in OAR 629-025-0040 and the Designated Recreation Area rules as outlined in OAR 629-025-0050 shall be applicable to Campground and Day Use Areas. In addition to those rules, the following rules shall apply to Campgrounds and Day Use Areas:

(a) Sanitation: In Campground and Day Use Areas no person shall, unless otherwise authorized:

(A) Clean fish, game, other food, clothing or household articles at any outdoor hydrant, pump, faucet or fountain, or restroom water faucet;

(B) Deposit human waste except in toilet or sewage facilities provided for that purpose.

(C) Leave bottles, cans, ashes, waste, paper, garbage, sewage, or other rubbish or refuse, except in receptacles designated for that purpose.

(b) Animals:

(A) No person shall bring an animal into a campground or day use area unless the animal is on a leash not longer than 6 feet and secured to a fixed object or under control of a person, or is otherwise physically restricted at all times. No animals, other than seeing-eye dogs, shall be allowed in any building.

(B) No person shall ride, drive, lead, or keep a saddle horse or other animal in any campground, except on such roads, trails, or other areas designated for that purpose. No horse or other animal shall be hitched or confined in a manner that may cause damage to any tree, shrub, improvement or structure.

(C) The Forester has the authority to undertake any measures deemed necessary (including removal of the animal from the Campground or Day Use Area) to protect Campground or Day Use Area resources and to prevent interference by the animal with the safety, comfort, and well-being of Campground or Day Use Area visitors.

(c) Campfires:.

(A) Fires in Campgrounds or Day Use Areas shall be confined to:

(i) Designated receptacles that are designed and provided for such use.

(ii) Portable stoves in established campsites.

(B) No fire shall be left unattended and every fire shall be extinguished before its user leaves the Campground or Day Use Area.

(d) Signs and Markers: No person shall erect signs, markers, or inscriptions of any type except on boards or structures provided for that purpose.

(e) Camping: The Forester may:

(A) Designate and post certain portions of campgrounds for use by specified types of camping equipment, such as tents, trailers, pickup campers, or other recreational vehicles.

(B) Require that all campers maintain reasonable quiet between the hours of 10 p.m. to 7 a.m.

(C) Prohibit the use of any noise-producing machine, vehicle device, or instrument between the hours of 10 p.m. to 7 a.m.

(D) Limit the occupancy of each individual campsite to one family unit, if, in the opinion of the Forester, occupancy by more than one family unit will impair the health and safety of any campground users or damage the campground.

(f) Traffic Rules: Posted speed limits in Campgrounds and Day Use Areas shall be observed at all times.

Stat. Auth.: [ORS 530.050](#)

Stats. Implemented: [ORS 530.010](#) - ORS 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95

629-025-0070

Use of Roads and Trails

(1) No person shall:

(a) Operate a motor vehicle off-road, except on a trail designated for that purpose;

(b) Operate a motor vehicle off-road without an approved spark arrestor, as specified in OAR 629-043-0015;

(c) Operate a motor vehicle off-road without an adequate noise muffler as defined in ORS 821.220.

(d) Operate a motor vehicle off-road without a valid ATV or snowmobile registration.

(e) Operate a motor vehicle, except snowmobiles, on road cut banks or fill slopes, or in ditches along roads.

(f) Operate an off-road motor vehicle in a manner that damages trails, boardwalks, bridges, water bars, cement blocking, drainage pipes or any other improvement designed to maintain the integrity of the trail.

(g) Operate any motor vehicle off-road from one half hour after sunset to one half hour before sunrise unless equipped with working head and tail lights.

(h) Operate on any road in a Non-Motorized zone, a motor vehicle that is not licensed for use on public roads or highways.

(i) Operate an off-road motor vehicle or snowmobile in violation of ORS 821.010 through 821.320.

(j) Hike, bicycle, use a horse, llama, or other stock animal, or other self-propelled device on a trail not designated for that purpose or in a manner that damages trails, boardwalks, bridges, water bars, cement blocking, drainage pipes or any other improvement designed to maintain the integrity of the trail.

(2) **Road and Trail Closures.** The Forester may, at any time, close all or portions of roads or designated trails, or establish one-way traffic flow on any road or trail.

Stat. Auth.: ORS 530.050

Stats. Implemented: ORS 530.010 - 530.040

Hist.: FB 3-1995, f. & cert. ef. 9-15-95; DOF 4-2005, f. & cert. ef. 3-1-05

629-025-0080

Removing Unattended Personal Property

(1) Unattended personal property includes items which have been left on state-owned forestlands longer than 4 days and are reasonably recognizable as belonging to individual persons and which have apparent utility. Items which have no apparent utility or are in an unsanitary condition are considered junk and will be discarded.

(2) Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime will be turned over to the appropriate law enforcement agency.

(3) Personal property will be separated during cleanups from trash/debris/junk (which will be immediately discarded) and items to be turned over to law enforcement officials and stored. The personal property shall be stored for no less than 30 days. During that period it will be reasonably available to persons claiming ownership of the personal property.

(4) The Forester will arrange in advance for a location to store personal property. The storage facility should be reasonably secure and located at or near one of the Department's District offices, however, the address of the facility will not be publicized. Instead, a telephone number to arrange an appointment to pick up claimed personal property will be provided. The telephone number should reach an office which is staffed during normal business hours (8 a.m. to 5 p.m. weekdays). A person claiming property must be able to schedule an appointment at a convenient time (also during business hours).

Stat. Auth.: ORS 530.050

Stats. Implemented: ORS 530.010 - 530.040

Hist.: DOF 4-2005, f. & cert. ef. 3-1-05

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2006**

DEPARTMENT OF TRANSPORTATION, DRIVER AND MOTOR VEHICLE SERVICES DIVISION

DIVISION 1

PROCEDURAL RULES

735-001-0020

Issuance of Final Orders in Contested Cases

(1) An administrative law judge (ALJ) is authorized to issue a final order without first issuing a proposed order in a contested case hearing conducted for the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) except under the following circumstances:

(a) DMV provides written notice to the Chief Administrative Law Judge of the Office of Administrative Hearings that the ALJs conducting hearings for DMV must issue proposed orders as set forth in OAR 137-003-0645 for the types of actions specified in the notice; or

(b) Prior to the commencement of a contested case hearing DMV provides written notice to the ALJ conducting the hearing and to the party(s) that the ALJ must issue a proposed order as set forth in OAR 137-003-0645.

(2) Exceptions to a proposed order issued under section (1) of this rule shall be filed with the ALJ within 20 days of the issuance and mailing date of the proposed order. The administrative law judge will review the exceptions and issue a written response or revised proposed order to the party and to DMV as set forth in OAR 137-003-0650, unless DMV requests the ALJ to conduct a further hearing under OAR 137-003-0655.

(3) If no exceptions are filed, a proposed order issued by an ALJ becomes the final order 30 days from the issuance and mailing date of the proposed order, unless DMV provides notice in writing to the party(s) and the ALJ that DMV will issue the final order. If exceptions to the proposed order are filed, the proposed order or revised order becomes the final order 30 days after the issuance and mailing date of the written response to exceptions or the issuance and mailing date of the revised proposed order, unless DMV gives notice to the party(s) and the ALJ that DMV will issue the final order. If DMV issues the final order, it will follow the procedures set forth in OAR 137-003-0655.

Stat. Auth.: ORS 802.010 & 813.410

Stats. Implemented ORS 183.470

Hist.: MV 11-1984, f. & ef. 8-31-84; March 1988, Renumbered from 735-001-0010; DMV 23-2004, f. & cert. ef. 11-17-04

735-001-0030

References to Motor Vehicle Laws and Administrative Rules in DMV Documents

(1) The motor vehicle laws of the Oregon Revised Statutes were rewritten and renumbered by Chapter 338, Oregon Laws 1983 (HB 2031). This rewrite was further amended by Chapter 16, Oregon Laws 1985 (SB 100).

(2) Any reference to an Oregon Revised Statute repealed by Section 978, Chapter 338, Oregon Laws 1983 and Section 475, Chapter 16, Oregon Laws 1985 in any Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) document is a reference to the corresponding section in the current ORS Chapters 801 through 823. These documents include but are not limited to:

(a) Administrative rules;

(b) Regulations;

- (c) Ordinances;
- (d) Orders;
- (e) Resolutions; and
- (f) Forms.

(3) Table 1 cross references the former statute numbers with the new statute numbers.

(4) All of the administrative rules in OAR Chapter 735 were renumbered by the Secretary of State effective March 3, 1988.

(5) Any reference to an OAR Chapter 735 administrative rule number used prior to March 3, 1988, in any DMV documents is a reference to the corresponding rule number effective on and after that date. These documents include but are not limited to those identified in subsections (2)(b) through (f) of this rule.

(6) **Table 2** cross references the former administrative rule numbers with the new administrative rule numbers.

[ED. NOTE: Tables referenced in this rule are available from the agency.]

Stat. Auth.: ORS 802.010(3)(d) & Ch. 338, section 3(i), OL 1983

Stats. Implemented: Ch. 338, §3(1), OL 1983

Hist.: MV 18-1985, f. 12-19-85, ef. 1-1-86; March 1988, Renumbered from 735-001-0025; MV 10-1988(Temp), f. & cert. ef. 3-18-88 thru 9-11-88; MV 14-1988, f. & cert. ef. 5-3-88

735-001-0040

DMV Representation at Contested Case Hearings

(1) An agency officer or employee is authorized to appear on behalf of the agency in a hearing or in a class of contested case hearings in which the Attorney General or designee has given written consent for such representation. Except for hearings held pursuant to ORS 183.430(2), the Attorney General has given written consent as required by ORS 183.450(7)(a) for Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) employees to appear on behalf of DMV in all contested case hearings conducted in accordance with ORS Chapter 183 involving:

- (a) Suspensions, revocations and cancellations of driving privileges (except Implied Consent suspension);
- (b) Non-issuances of driver licenses and identification cards;

- (c) Suspension, revocations, cancellations, probations and denials of certificates;
 - (d) Suspension, revocation, cancellations and denials of dismantler certificates;
 - (e) Suspension, revocations, denials and refusal to issue or renew towing company certificates;
 - (f) Revocations and denials of vehicle transporter certificates; and
 - (g) Civil penalties assessed under the authority of ORS 822.009 and OAR chapter 735, division 150.
- (2) DMV representative may present evidence, ask questions of witnesses, and present factual arguments.
- (3) The DMV representative shall not present legal arguments:
- (a) Legal arguments include arguments on:
 - (A) The jurisdiction of DMV to hear the contested case;
 - (B) The constitutionality of a statute or rule or the application of a constitutional requirement to DMV; or
 - (C) The application of court precedent to the facts of the particular contested case proceeding.
 - (b) Legal arguments do not include arguments on:
 - (A) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;
 - (B) Comparison of prior actions of DMV conducting the proceedings;
 - (C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; or
 - (D) The admissibility of evidence or the correctness of procedures being followed.
- (4) At the outset of the hearing, the hearing referee shall advise the DMV representative, as well as the petitioner, about the rules and procedures of the hearing. If the DMV representative makes an objection that involves legal argument, the hearing referee shall provide reasonable opportunity for the DMV representative to consult legal counsel. The hearing referee shall also permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 183.415, 183.450, 184.616, 814.619, 802.010, Ch. 541, 822 OL 1991
Stats. Implemented: ORS 183.450
Hist.: MV 16-1988, f. & cert. ef. 5-18-88; MV 3-1991, f. & cert. ef. 5-16-91,
Renumbered from 735-070-0100; MV 9-1992, f. & cert. ef. 8-17-92; DMV 32-
2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06

735-001-0050

Administrative Review

In addition to those circumstances specified in ORS 809.140, Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will provide an administrative review of a suspension, revocation, or cancellation action for:

- (1) Failure to install an ignition interlock device under ORS 813.602;
- (2) A cancellation of a driver license, instruction driver permit or limited vision condition learner's permit under ORS 807.162;
- (3) Notice of violating of an out-of-service order ORS 809.413;
- (4) Failure to pay a judgment under ORS 809.415(1);
- (5) Incompetence to drive a motor vehicle because of a physical or mental condition that makes it unsafe for the person to drive on the highways and the person has been denied a certificate of eligibility under ORS 807.090;
- (6) Notification from the superintendent of a hospital under ORS 807.400;
- (7) A request by a school superintendent or a school district board under ORS 339.254;
and
- (8) Notice that a person under 18 years of age has withdrawn from school under ORS 339.257.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 809.440
Stats. Implemented: ORS 809.440
Hist.: MV 27-1991, f. & cert. ef. 12-16-91; DMV 23-2004, f. & cert. ef. 11-17-04

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